

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION NO. R5-2008-_____

APPROVING
WAIVER OF REPORTS OF WASTE DISCHARGE AND
WASTE DISCHARGE REQUIREMENTS
FOR SPECIFIC TYPES OF DISCHARGE
WITHIN THE
CENTRAL VALLEY REGION

The California Regional Water Quality Control Board, Central Valley Region, (hereafter Regional Water Board) finds that:

1. California Water Code (CWC) Section 13260(a) requires that any person discharging waste or proposing to discharge waste within any region that could affect the quality of the waters of the State, other than into a community sewer system, shall file with the appropriate Regional Water Board a Report of Waste Discharge containing such information and data as may be required.
2. The Regional Water Board has a statutory obligation, pursuant to CWC Section 13263, to prescribe waste discharge requirements (WDRs) except where the Regional Water Board finds that a waiver of WDRs for a specific type of discharge is not against the public interest pursuant to CWC Section 13269.
3. CWC Sections 13260(b) and 13269 authorize the Regional Water Board to waive WDRs and Reports of Waste Discharge (RWDs), respectively, for specific types of discharge where such a waiver is not against the public interest, is conditional, and may be terminated by the Regional Water Board at any time.
4. On 1 January 2003, the CWC was amended to require that all new waivers adopted after that date for a specific discharge or type of discharge must be renewed at a minimum of every five years, and that prior to renewing any waiver the Regional Water Board shall review the terms of the waiver at a public hearing and shall determine whether the discharge should instead be subject to general or individual WDRs.
5. In January 2003, the Regional Water Board adopted Resolution No. R5-2003-0008 *Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge Within the Central Valley Region*. Resolution No. R5-2003-0008 waived WDRs, and in some cases RWDs, for 12 specific types of discharge to land. These types of discharge were found to pose little threat to water quality and required little oversight as determined by past effectiveness.
6. The Regional Water Board, in compliance with the CWC, has reviewed the previously issued waivers set forth in Resolution No. R5-2003-0008 and determined that waivers for the following types of discharges to land that pose a low threat to the quality of waters of the State should be renewed:

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- a. Conditional waiver of WDRs or Water Recycling Requirements (WRRs), but not the requirement to submit RWDs, for:
 - Disposal of dredge material to land, and
 - Water Reclamation for construction purposes and road dust control.
 - b. Conditional waiver of WDRs and in some instances the requirement to submit RWDs, for:
 - Air conditioner, cooling, and elevated temperature waters,
 - Drilling muds/Boring wastes,
 - Inert solid waste disposal,
 - Test pumping of fresh water wells,
 - Swimming pool discharges,
 - Construction dewatering discharges,
 - Hydrostatic testing,
 - Agricultural commodity wastes, and
 - Disposal of residual waste to land as a soil amendment.
7. In 2003, the State Water Resources Control Board (State Water Board) adopted Statewide General Order No. 2003-0003-DWQ for “low-threat” discharges to land. This Statewide General Order was adopted to handle those types of discharges that posed a low threat to water quality, but was not intended to supersede the authority of the Regional Water Boards to issue individual WDRs or conditional waivers.
 8. A review of the Statewide General Order shows that several categories covered by the Order are nearly identical to those covered by Resolution No. R5-2003-0008. For those categories that are also covered by the Statewide General Order, the waiver should only apply to discharges that represent the very lowest threat to water quality. As a result, categories for discharges of drilling muds/boring wastes, inert solid waste disposal, test pumping of fresh water wells, swimming pool discharges, construction dewatering discharges, and hydrostatic testing, are restricted to those instances which represent the lowest threat to water quality.
 9. Waiver of WDRs for discharges from projects requiring Water Quality Certification was dropped from the General Waiver since discharges from dredge and fill activities would be best regulated under Statewide General Order No. 2003-017-DWQ for “Jurisdictional” waters and Order No. 2004-0004-DWQ for “Non-jurisdictional” waters.
 10. The Regional Water Board also reviewed a previously issued waiver for discharges to land from small, short-term sand and gravel operations. This category was included in Resolution No. 82-036, which expired in 2003, but was not included in Resolution No. R5-2003-0008 since a general order for sand and gravel operations was being developed by State Water Board staff. However, that general order was never finalized or adopted. Therefore, conditional waiver of WDRs, but not the requirement to submit a

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RWD, should be reinstated for the small, short-term sand and gravel operations category.

11. Waiver of the requirement to file RWDs and waiver of WDRs for discharges that will cause no or insignificant impairment to water quality and that pose little risk of creating a nuisance condition are not against the public interest as they reduce the cost of activities that produce innocuous or small amounts of waste, are protective of the environment, and allow Regional Water Board staff to direct resources to address waste discharges that have significant potential to degrade water quality or create nuisance.
12. Waiver of RWDs under a discharge category does not preclude the Executive Officer from requesting a RWD for a specific project as necessary to perform an evaluation of the discharge.
13. Waiver of WDRs and in some instances RWDs for discharge categories covered under the General Waiver for low threat discharges to land, were previously waived under Resolution No. 82-036. As lead agency under the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) (CEQA), the Regional Water Board determined that adoption of Resolution No. 82-036 waiving WDRs for 23 specific discharges to land would not cause a significant environmental impact and, on 23 December 1981, adopted a Negative Declaration. Pursuant to Section 15162 of the CEQA Guidelines, a subsequent environmental impact report or negative declaration is not required.
14. The conditional waiver is consistent with State Water Resources Control Board Resolution No. 68-16 (Statement of Policy with Respect to Maintaining High Quality of Waters in California) in that the waiver of WDRs imposes conditions to prevent impacts to water quality and authorizes no degradation of water quality, will not unreasonably affect beneficial uses of water, and will not result in water quality less than that prescribed in plans and policies.
15. The Regional Water Board conducted a public hearing on _____ 2008 in Rancho Cordova, California, and considered all testimony and evidence concerning this matter.

THEREFORE BE IT RESOLVED, that in accordance with CWC Section 13269, the Regional Water Board adopts the “*Waiver of Reports of Waste Discharge and Waste Discharge Requirements for Specific Types of Discharge*” as set forth in Attachment A, hereafter informally referred to as the “General Waiver,” and that;

1. The Regional Water Board waives the requirement to obtain WDRs and/or WRRs, and for some instances the requirement to submit a RWD and filing fee, for discharge types that fulfill the conditions set forth in [Attachment A](#) of this Order.
2. Discharges that result from emergency work or emergency projects as described under CWC Section 13269(c) are not affected by this action.

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3. Discharge of wastes to wetlands, surface waters, drainage courses, or biologically sensitive areas, is prohibited.
4. Based on the testimony received at the aforementioned hearing, and the above-noted findings, the General Waiver is not against the public interest provided dischargers subject to such waiver:
 - (a) comply with the conditions for waiver of waste discharge requirements as set forth in the General Waiver;
 - (b) file with the Regional Water Board a Report of Waste Discharge and filing fee when required as part of the General Waiver; and
 - (c) comply with applicable State and Regional Water Board plans and policies.
5. For those discharges requiring submittal of a RWD, the discharger must submit the fee specified in Title 23, California Code of Regulations, Section 2200, for a threat to water quality and complexity of "3C".
6. Based on the above-noted findings, it is not necessary at this time to adopt individual or general waste discharge requirements for the discharge of wastes related to the types of discharges identified in Attachment A and are conducted in accordance with the conditions specified in the General Waiver as these types of discharges are considered to be of low threat to water quality and Regional Water Board resources should focus on higher threat discharges.
7. For those categories that are also covered by Statewide General Order No. 2003-0003-DWQ for low threat discharges to land, this waiver shall only apply to those discharges that are of such good quality and of limited volume/duration that coverage under the General Order is not necessary. Specifically:
 - Non-contact cooling water discharges;
 - Drilling muds/Boring wastes;
 - Inert solid waste disposal;
 - Test pumping of fresh water wells;
 - Swimming pool discharges;
 - Construction dewatering discharges; and
 - Hydrostatic testing.
8. The discharge of any waste not specifically regulated by the General Waiver is prohibited unless the discharger complies with CWC Section 13260(a) and the Regional Water Board either issues waste discharge requirements pursuant to CWC Section 13263 or an individual waiver pursuant to CWC Section 13269, or the time frames specified in CWC Section 13264(a) have elapsed.

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9. This General Waiver shall not create a vested right and all such discharges shall be considered a privilege, as provided for in CWC Section 13263.
10. Pursuant to CWC Section 13269, this action waiving the issuance of WDRs for certain specific types of discharges: (a) is conditional, (b) may be terminated at any time, (c) does not permit an illegal activity, (d) does not preclude the need for permits which may be required by other local or governmental agencies, and (e) does not preclude the Regional Water Board from administering enforcement remedies (including civil liability) pursuant to the CWC.
11. As provided by CWC Section 13350(a), any person may be civilly liable if that person is in violation of a waiver condition or WDRs, intentionally or negligently discharges waste, or causes waste to be deposited where it is discharged, into the waters of the State or creates a condition of pollution or nuisance.
12. The Executive Officer or Regional Water Board may terminate the applicability of the General Waiver described herein as to any type of discharge or individual discharger at any time when such termination is in the public interest or the activity could affect the quality or beneficial uses of the waters of the State
13. The Regional Water Board may review the General Waiver at any time and may modify or terminate the General Waiver in its entirety, as applicable for a specific type of discharge, or for individual dischargers, as is appropriate.
14. This General Waiver shall expire on [4 December 2013](#), unless terminated or renewed by the Regional Water Board.

I, PAMELA C. CREEDON, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

PAMELA C. CREEDON, Executive Officer

Order Attachments:

A. Specific Discharges Covered by the General Waiver

Staff Report

kc/DKP: 9/16/08